

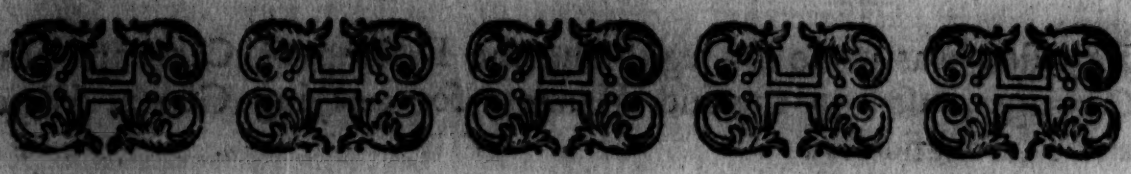
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RB.23 c.359(1)

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A N
A C T
F O R

Cleanfing, Lighting, and Watching, and Levelling
the Surfaces of the Streets, and other public Places,
within the Hamlets of *Deretend* and *Bordesley*, in the
County of *Warwick*; and for removing and prevent-
ing Nuisances, Obstructions, and Incroachments, and
regulating the Driving of Carts and other Carriages
used for carrying Goods, Wares, and Merchandises
therein.

WHEREAS the Streets, Lanes, and other public
Passages and Places, within the Hamlets of *Dere-*
tend and *Bordesley*, in the County of *Warwick*, are
not properly cleansed, lighted, or watched, and are
subject to various Nuisances, Annoyances, and In-
croachments, and are in some Places, by Reason of
the uneven or irregular Surfaces thereof, very incommodious and
unsafe for Passengers and Carriages:

Preamble.

And whereas it would be greatly to the Advantage, Benefit,
and Convenience of the Inhabitants of the said Hamlets, and other
Persons resorting to and passing through the same, if the said
Streets, Lanes, and other public Passages and Places, were properly
cleansed, lighted, and watched, and the Surfaces thereof levelled,
and all Nuisances, Annoyances, Obstructions, and Incroachments
therein removed, and the like prevented in future; and if some
A Provision

Provision was made for regulating the Driving of Carts and other Carriages, used in the said Hamlets for carrying Goods, Wares, and Merchandises :

May it therefore please Your MAJESTY,

Commission-
ers appoint-
ed.

Election of
new Com-
missioners.

That it may be Enacted; And be it Enacted by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Samuel Allen, John Biddle, James Bedford, Edward Bedford, George Bennett, William Blackford, Joseph Bissell, Joseph Boyce, the Reverend Thomas Cox, John Cox, James Cockle, William Cape, Samuel Cottrell, Joseph Cottrell, Clement Cottrell, William Dallaway, Benjamin Freeth, James Gaddington, Richard Gibbs, Joseph Green, John Gardner, John Horton, Thomas Hamper, Jeremiah Hodgetts, John Hand, Charles Jennins, Joseph Johnson, William Jabet, Joseph Kendall, Charles Kidman, John Lowe Junior, Mathias Lawledge, William Litchfield, Henry Murcott, William Medley, John Newey, Abraham Newton, Abraham Pemberton, John Palmer, Isaac Palmer, Peter Round, George Penton, Joseph Payton, Josiah Ruston, John Ruston, Joseph Ruston, John Reynolds, James Richards, Francis Robbins, John Richardson, John Sanders, Robert Shepherd, Smith, William Thorne, John Taylor, William Undrell, John Whitworth, John Whippy, Thomas Walford, and James Yates,* and their Successors, to be elected as hereinafter mentioned, shall be, and are hereby appointed Commissioners for carrying the several Purposes of this Act into Execution; and when any of the Commissioners hereinbefore named and appointed, or hereafter to be elected in pursuance of this Act, shall die, or remove out of the said Hamlets, or for the Space of Twelve successive Months shall refuse or neglect to act, or be rendered incapable of acting as a Commissioner, as hereinafter mentioned, it shall be lawful for the remaining Commissioners, or any Seven or more of them, at any Meeting to be held in pursuance of this Act, to elect One other Person, being an Inhabitant within the said Hamlets, or one of them, to supply the Place of each Commissioner so dying, removing, refusing or neglecting to act, or being rendered incapable of acting, Notice in Writing, signed by the Clerk to the said Commissioners, of such Meeting, and of the Purpose and Intent thereof, being previously given to each of the said Commissioners, or left at their respective Dwelling Houses, or last Places of Abode, within the said Hamlets, Three Days at least previous to, and exclusive of the Day to be appointed

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appointed for such Meeting; and every Person so elected is hereby vested with the same Powers for putting this Act in Execution, as the Person in whose Place and Stead he shall be so elected was vested with.

Provided always, and be it further Enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, unless at the Time of his acting he shall be an Inhabitant within one of the said Hamlets, and shall occupy a House or Houses, or other Building or Buildings, within the said Hamlets, or one of them, and which shall be of the Yearly Rent or Value of Ten Pounds at the least; or shall be possessed of a House or Houses, or other Building or Buildings, of the Annual clear Amount or Value of Twenty Pounds at least, and situated and being within the said Hamlets or one of them; and that no Person shall be capable of acting as a Commissioner as aforesaid, during the Time he shall hold any Place of Profit, or be under any Contract, or have any Share or Interest in any Contract relating to the Execution of this Act; but such of the said Commissioners as shall be Justices of the Peace may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Commissioners; and the said Commissioners, at all their Meetings, shall defray their own Expences.

Qualification
of Commis-
sioners.

Commission-
ers not to
hold Places
of Profit un-
der the Act.
Commission-
ers may act
as Justices.
Commission-
ers to defray
their own
Expences.

And be it further Enacted, That the said Commissioners, or any Seven or more of them, shall meet together at the *Apollo Tavern*, in *Moseley Street*, in *Deretend* aforesaid, on the *Monday* Fortnight after the passing of this Act, between the Hours of Nine and Twelve of the Clock in the Forenoon, and shall proceed to put this Act in Execution, and shall and may then, and from Time to Time afterwards, adjourn themselves, and meet at the same, or any other convenient Place within the said Hamlets, as they shall appoint; and if there shall not appear at any of the said Meetings a sufficient Number of Commissioners to act, and to adjourn to another Day; or if they shall omit to adjourn; or if there shall be any particular Occasion to hold a Meeting previous to the Time of Meeting pursuant to any Adjournment, then, and in every such Case, the said Commissioners (although not assembled at a Meeting) or their Clerk, shall and may appoint a Meeting to be held at some convenient Place within the said Hamlets, and at such proper Time as they or he shall think fit, by Notice to be given of such Meeting as hereinafter is mentioned.

Meetings of
the Com-
missioners.

Provided

Notice of Meetings.

Provided always, That previous to every Meeting of the said Commissioners, in pursuance of this Act, subsequent to the said First Meeting, there shall, from Time to Time, be delivered to each of the said Commissioners, or left at each of their Dwelling Houses, or last Places of Abode, within the said Hamlets, a Notice in Writing, signed by the said Commissioners, or by their Clerk, of the Time and Place of every such intended Meeting, which Notice shall be so delivered or left Two clear Days at least before every such Meeting.

Proceedings not to be valid unless done at Meetings; and Seven Commissioners may act.

And be it further Enacted, That no Act, Order, or Proceeding of the said Commissioners, or any of them (except in such Cases as are hereby otherwise particularly directed) shall be valid, unless made or done at some Meeting of the said Commissioners to be held in pursuance of this Act; and that all the Powers, Authorities, Acts, and Proceedings by this Act given to, or vested in, or directed to be done by the said Commissioners, shall and may, from Time to Time, be exercised or done by the major Part of them present at their respective Meetings to be holden in pursuance of this Act, such Meetings respectively consisting of Seven Commissioners at the least; and that at every such Meeting, such One of the said Commissioners then present, as the major Part of them attending shall, by Ballot or otherwise, elect or appoint, shall be the Chairman of such Meeting; and if upon any Occasion (other than the appointing of a Chairman) there shall be an Equality of Votes of the Commissioners so assembled, including that of the Chairman, such Chairman shall have a casting Vote.

Chairman to be appointed;

and to have the casting Vote.

Commissioners to appoint Officers;

And be it further Enacted, That the said Commissioners shall and may from Time to Time nominate and appoint a Treasurer and Clerk, and such Scavenger or Scavengers, Collectors of the Rates hereinafter mentioned, Surveyors, and other Officers, and also employ and appoint such Lighters of the Lamps to be set up as hereinafter mentioned, Watchmen, and other Persons, for the Execution of the Purposes of this Act, as they shall think proper, and remove and displace them, or any of them, respectively, as they shall think fit or see Occasion; and out of the Money to be raised by virtue of this Act order and direct the Payment of such Salaries, Wages, and Allowances to such Officers, Watchmen, and other Persons, as the said Commissioners shall think reasonable; and shall from Time to Time do such other Matters and Things as to them shall seem proper, necessary, or expedient, for putting this Act into Execution: And the said Commissioners shall, and they are hereby required to take such Security from every such Treasurer, Collector, and other Officer, for the due Execution

and to take Security from the Treasurer

of their respective Offices, as the said Commissioners shall think proper: And all such Officers and other Persons so to be appointed as aforesaid shall, under their respective Hands (at such Time and Times, and in such Manner, as the said Commissioners shall direct) deliver to the said Commissioners, or to such Person or Persons as they shall appoint for that Purpose, true and perfect Accounts in Writing of all Money which shall have been received by such Officers respectively, by virtue or for the Purposes of this Act, and how much thereof hath then been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Money as shall remain in their respective Hands to the said Commissioners, or to such Person or Persons as they shall appoint; and the Officers so accounting as aforesaid shall upon Oath, if thereunto required by the said Commissioners (which Oath the said Commissioners are hereby empowered to administer) verify their respective Accounts; and if any such Officer or other Person shall refuse or wilfully neglect to make or render, or to verify upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or to deliver to the said Commissioners, or to such other Person or Persons as they shall nominate and appoint, within Fourteen Days next after being thereunto required by the said Commissioners, by Notice in Writing given to or left at the usual or last Place of Abode of such Officer or other Person, all Books, Papers, and Writings in his Custody or Power, relative to the Execution of this Act, or give Satisfaction to the said Commissioners respecting the same, and if Complaint shall be made, by any Person or Persons appointed by the said Commissioners for that Purpose, of any such Refusal or Neglect, to any One Justice of the Peace for the County of *Warwick*, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause the said Officer or other Person so refusing or neglecting to be brought before him, and upon his Appearance, or not being to be found, to hear and determine the Matter of Complaint in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness, upon Oath (which Oath such Justice is hereby empowered to administer) it shall appear to such Justice that any of the Money which shall have been collected and raised by virtue of this Act shall be in the Hands of any such Officer or other Person, such Justice may, and is hereby authorized and required to order the Payment thereof immediately, and, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of the Person so refusing or neglecting as aforesaid; and if sufficient Goods

and other
Officers.

Officers to
account.

and Chattels cannot be found to answer and satisfy the said Money, and the Charges and Expences incident to the distraining and selling the same, or if it shall appear to such Justice that any such Officer or other Person shall refuse or wilfully neglect to render or give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relative to the Execution of this Act shall be in the Custody or Power of such Officer or other Person, and he shall have refused or neglected to deliver or give Satisfaction respecting the same as aforesaid, then such Justice shall commit such Officer or other Person to some Common Gaol or House of Correction in the County of *Warwick*, there to remain, without Bail or Mainprize, until he shall give and make such Account and Payment as aforesaid, or shall compound with the said Commissioners for the Money unpaid, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners are hereby empowered to make and receive) or until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners as aforesaid; but no Person who shall be committed on Account of his not having sufficient Goods or Chattels as aforesaid, shall be detained in Prison for any longer Time than Six Calendar Months.

Temporary
Officers may
be appointed,
though
not at Meetings.

Provided always, That when any of the said Officers shall die, resign his Office, or be incapable of performing his Duty, it shall be lawful for the said Commissioners, though not assembled at any Meeting, by Writing under their Hands to appoint another Officer in his Place; and the Person so appointed shall have the same Power to act in the Execution of this Act as the Person in whose Place he shall be appointed, until the said Commissioners shall at a Meeting confirm such Appointment, or appoint another Officer in his Room.

Commissioners
to cause
Streets to be
cleansed,
lighted, &c.

And be it further Enacted, That the said Commissioners shall, and they are hereby authorized and empowered, to cause all Streets, Lanes, and other public Passages and Places, already or hereafter to be laid out or made within the said Hamlets, or either of them, to be swept, cleansed, lighted, and watched, and Drains, Sinks, Gutters, or Watercourses to be made for conveying and draining the Water from and off the said Streets, Lanes, and other public Passages and Places, in such Manner as they shall from Time to Time direct and appoint; and that the said Commissioners shall cause such Number of Lamps as they shall think necessary and proper to be provided, and affixed and set up in the said Hamlets; and for that Purpose shall cause proper Irons, Posts, and other Materials for

for fixing and setting up such Lamps, to be affixed or put up, into, upon, or against the Walls or Palisades of any Houses, Tenements, or Buildings, or in, upon, against, or near to any other Walls, within the said respective Hamlets, and from Time to Time, as they shall think fit or necessary, to alter, take down, re-affix, and set up the said Lamps, and the Iron Work, Posts, and other Materials thereto belonging, or any of them, making good all Damage to be done or occasioned by such affixing, altering, taking down, re-affixing, or setting up.

And be it further Enacted, That the said Commissioners shall and may, by and out of the Money to be raised by virtue of this Act, purchase, lease, erect, rent, or otherwise provide a proper and convenient Building or Buildings, in some Part of the said Hamlets, or one of them, to be used as an Engine House, or Place for lodging or depositing any Engine or Engines, and Things appurtenant thereto, proper and necessary to be used in the extinguishing of Fires, and also as an Office or Offices, Storehouse or Storehouses, for the more convenient Execution of the Powers and Purposes of this Act; and also One or more Piece or Pieces of Land, lying within or near the said Hamlets, or one of them, whereto the Dirt, Dust, Rubbish, Ashes, Soil, and Filth of the said Hamlets, by the Order, Permission, and under the Direction of the said Commissioners, may be removed, carried, and laid; and the said Commissioners are hereby also authorized and impowered to put up, or cause to be put up, to the best Bidder or Bidders, or otherwise contract for, sell, and dispose of all such Dung, Dirt, or Manure as shall arise within the said Streets, Lanes, public Passages or Places, or shall be carried and laid upon the said Piece or Pieces of Land, and to apply the Money arising therefrom in carrying the Purposes of this Act into Execution.

Commissioners may provide an Engine House, Office, Storehouse, &c.

And be it further Enacted, That the Property of the said Lamps, and all Materials and Furniture thereto belonging or affixed, shall be, and are hereby vested in the said Commissioners; and that if any Person shall wilfully or maliciously take away, break, throw down, or damage any such Lamp, or any Post, Iron, or other Furniture thereof, or extinguish the Light within any such Lamp, or shall wilfully hinder or obstruct any Commissioner, Officer, or other Person, in any Manner employed in the Execution of this Act, every such Person so offending shall forfeit and pay for every such Offence the Sum of Forty Shillings, One Half whereof shall go to the Informer or Informers; and shall also make and pay to the said Commissioners reasonable Satisfaction

Lamps and Materials vested in the Commissioners.
Penalty on wilfully breaking or damaging them.

Persons care-
lessly or ac-
cidentally
breaking or
damaging
Lamps, &c.
to make good
the Damage.

tisfaction for the Damage done to such Lamp, Furniture, or Materials; and it shall be lawful for any Person or Persons, who shall see any of the said Offences committed or done, to apprehend, and for any other Person or Persons to assist in apprehending, any such Offender, and by Authority of this Act, and without any other Warrant, to convey and deliver the Offender into the Custody of a Peace Officer, in order to be secured and taken before some Justice of the Peace for the County of *Warwick*; and in case any Person shall carelessly, negligently, or accidentally, break, throw down, or otherwise damage any of the said Lamps, or any of the Irons, Posts, or other Furniture thereof, or extinguish the Lights thereof, and shall not immediately upon Demand made by the said Commissioners, or any of them, or by any Person acting under their Authority, make reasonable Satisfaction for the Damage done thereto, or give such Security for the same as the said Commissioners shall approve, then it shall be lawful for any Justice of the Peace for the County or Place where such Person shall be or reside, upon Proof thereof by Oath of any credible Witness (which Oath such Justice is hereby empowered and required to administer without Fee or Reward) or by Confession of the Party, to award such Sum of Money, by way of Satisfaction for such Damage, as such Justice shall think reasonable; and in case of refusal or neglect to pay the Money so awarded, within Seven Days after Demand made thereof, the same shall be levied and recovered in like Manner as any Penalty is hereinafter authorized or directed to be levied and recovered.

Night Con-
stables and
Watchmen
to be ap-
pointed.

And be it further Enacted, That the said Commissioners shall from Time to Time appoint such and so many Night Constables and Watchmen, to be employed in the said Hamlets for so long Time in every Night, under such Regulations and for such Wages as they shall think proper, and to provide proper Boxes and Places of Reception for such Watchmen; and it shall be lawful for the said Night Constables and Watchmen, or any of them, and they are hereby authorized and required to apprehend and secure all such Malefactors, Disturbers of the public Peace, and other suspected Persons, who shall be found wandering or misbehaving themselves during the Hours of keeping Watch, and to carry such Persons, as soon as conveniently may be, before some Justice of the Peace for the County of *Warwick*, to be examined and dealt with according to Law: And the said Commissioners may from Time to Time remove and discharge any of the said Night Constables and Watchmen whenever they shall think proper: And that true Copies or Transcripts of all such Orders, Regulations, and Appointments, which shall from

Copies of
Orders, &c.
to be given
to the Night
Constables.

Time

Time to Time be made by the said Commissioners, for the Direction, Regulation, and Government of the said Night Constables and Watchmen, shall be fairly written, and signed by the said Commissioners, and shall be delivered to the several Night Constables within the said Hamlets.

And be it further Enacted, That the said Commissioners shall and may, and are hereby authorized and empowered, from Time to Time, to contract and agree with any Person or Persons for doing and performing all or any of the Works, Matters, and Things to be done by virtue of this Act, or for furnishing, preparing, or providing all or any of the Materials and Necessaries for the Purposes thereof, every such Contract being reduced into Writing, and signed by any Four or more of the said Commissioners, and the other contracting Party or Parties, and specifying the Works, Materials, or Things, to be done, found, or provided, and the Prices to be paid for the same, and the Time or Times when such Work shall be done or completed, or such Materials and Things provided and made ready, and the Penalty or Penalties to be suffered in case of Non-performance thereof; and in case any such Contract shall not be well and sufficiently performed, according to the true Intent and Meaning thereof, the said Commissioners shall and may commence and prosecute an Action, in any of His Majesty's Courts of Record at *Westminster*, against the Person or Persons so contracting, and not performing such Contract, for any Penalty or Damage which shall be forfeited or sustained on Account of such Non-performance; and upon proving the signing of such Contract, and the Non-performance thereof, the said Commissioners shall be entitled to, and shall recover, such Penalty or Damage, with Costs of Suit.

Commissioners may contract for performing any of the Works.

And be it further Enacted, That if any Person shall wilfully run, drive, wheel, or place on any of the Foot Paths in any of the Streets, Lanes, or other public Passages or Places within the said Hamlets, any Waggon, Cart, Coach, Wheel, Sledge, Wheelbarrow, Handbarrow, Dray, or other Carriage, or shall roll any Cask, Tub, or Barrel, for the Space of Twenty Yards, or wilfully ride, drive, or lead any Horse or other Beast (except in Cases of Necessity) on any such Foot Paths, or lay, carry, or set out, or cause to be laid, carried, or set out, any Timber, Boards, Bricks, Tubs, Barrels, Thoralls, Stalls, Benches, Crates, or Pens, or any Waggons, Drays, Carts, or other Carriages (any longer than shall be reasonably necessary for loading or unloading thereof) or shall hoop, cleanse, wash, or scald any Cask, or hew or saw any Stone, Wood, or Timber, or shall continue, place, or erect any Butcher's Posts,

Penalty on causing Annoyances in the Streets.

Posts, Shambles, or Blocks, or shall continue or place any Steps leading into any Celler or Vault, without a good, substantial, and sufficient Covering for the same, or shall place or lay out any other Material, Matter, or Thing, so as to stop, obstruct, incommode, or annoy any Person passing in or through any of the said Streets, Lanes, or other public Passages or Places, or shall ride or drive any Horse carrying Panniers, other than upon a walking Pace, or shall throw or lay any Ashes, Rubbish, Glass, Earthen Ware, Casting Pots, Brick Ends, Cinders, Sleek, Shop Dirt, or other Nuisance, or if any Butcher or other Person shall kill, slaughter, singe, scald, dress, or cut up any Beast, Calf, Sheep, or Swine, or suffer any Swine, Beast, or Cattle to wander or be in any of the said Streets, Lanes, or other public Passages or Places; every Person so offending shall forfeit and pay the Sum of Five Shillings for every such Offence, and shall also pay and discharge all Costs, Charges, and Expences of altering, removing, regulating, or taking away any such Nuisance, Obstruction, or Encroachment; which the said Commissioners are hereby authorized and empowered to cause to be altered, removed, regulated, or taken away, in such Manner as they shall think fit.

Penalty on
baiting Bulls,
making Bon-
fires, &c.

And be it further Enacted, That if any Person shall bait, or cause to be baited, any Bull, in the Manner called Bull-baiting, in any Part of the said Hamlets, such Person or Persons shall for every such Offence forfeit and pay the Sum of Five Pounds; and if any Person or Persons shall make, or assist in making, any Fire or Fires, commonly called Bonfires, or shall set fire to, or let off, or throw any Squib, Serpent, Rocket, or other Fire Works whatsoever, or shall wash any Shop Dirt or Ashes in any of the Streets, Lanes, Ways, Passages, or other public Places within the said Hamlets, every Person so offending shall for every such Offence forfeit and pay the Sum of Five Shillings.

Annoyances
by Hog-
sties, &c. to
be removed.

And be it further Enacted, That in case any Hog-sty, Necessary-house, Dung, Carrion, Blood, Offal, Soil, Filth, or other noxious Matter or Thing, in or near any of the said Streets, Lanes, or other Passages or Places, shall be offensive to any of the Inhabitants thereof, it shall be lawful for the said Commissioners (if they see fit) upon Complaint thereof made to them by any such Inhabitant, by Notice in Writing under their Hands, to order the same to be removed; and in case the same shall not be removed within Fourteen Days after such Notice given to the Person or Persons who ought to remove the same, such Person or Persons shall forfeit and pay the Sum of One Shilling for every Day the same shall continue unremoved after the Expiration of the said Fourteen Days.

And

And be it further Enacted, That if any Person or Persons shall empty any Bog-house, Bog-hole, or Necessary-house, or carry any Night-Soil along any of the said Streets, Lanes, or other public Passages or Places, before the Hour of Ten of the Clock in the Evening, or after the Hour of Seven of the Clock in the Morning, between *Lady-day* and *Michaelmas*; or before the Hour of Eight of the Clock in the Evening, or after the Hour of Nine of the Clock in the Morning, between *Michaelmas* and *Lady-day*; or shall put or cast any Night-Soil in any of the said Streets, Lanes, or other Passages or Places, he or they so offending shall forfeit and pay for every such Offence the Sum of Ten Shillings.

Time of emptying Necessary-houses directed.

And be it further Enacted, That whenever the Tenant, Owner, or Proprietor of any House, Shop, or other Building, having any Bulk or Bulk-Sash already erected or made thereto, projecting more than Twelve Inches from the Perpendicular of the Front Wall of such House, Shop, or other Building, into any Street, Lane, or other public Passage or Place within the said Hamlets, or either of them, shall take down, alter, or repair any such Bulk or Bulk-Sash, then, and in every such Case, such Tenant, Owner, or Proprietor of every such House, Shop, or other Building, to which such Bulk or Bulk Sash shall belong, shall take down, alter, regulate, and rebuild the same in such Manner as not to project more than Twelve Inches from the perpendicular Wall of any such House, Shop, or other Building: And that no Bulk or Bulk-Sash shall at any Time hereafter be erected, built, rebuilt, or made to any House, Shop, or other Building, in any Street, Lane, or other public Passage or Place, within the said Hamlets, so as to project more than Twelve Inches from the perpendicular Wall of such House, Shop, or other Building, upon Pain that the Owner or Owners thereof shall for every such Bulk or Bulk-Sash forfeit and pay the Sum of Five Pounds; and it shall be lawful for the said Commissioners to cause the same to be taken down, removed, and carried away, without any Notice or Warning to be given to any Owner or Occupier of such House, Shop, or Building, and the Costs, Charges, and Expences attending the same shall be paid and discharged by such Tenant, Owner, or Proprietor; and in case of Neglect or Refusal of Payment thereof for the Space of One Month after such taking down and removing thereof, then the same shall and may be recovered in like Manner as any Forfeiture or Penalty is by this Act directed to be recovered.

Bulks and Bulk-Sashes to be regulated.

And be it further Enacted, That all Spouts and Gutters belonging to, and which convey Water from any Houses or other Buildings

Spouts and Gutters to be regulated.

Buildings directly into the said Streets, Lanes, or other public Passages or Places, shall, within Six Months after the passing of this Act, be removed, and the Water be conveyed by Pipes or Trunks down the Sides or Fronts of such Houses or other Buildings, into some under-ground Sewer, or some Cistern or Reservoir, or to the Ground, at the Costs and Charges of the respective Owners or Proprietors thereof; and in case the same shall not be done within the Time aforesaid, the Owner or Proprietor of every such House or other Building shall forfeit and pay the Sum of One Shilling for every Week any such Spout or Gutter shall remain after the Time hereinbefore limited for taking down the same; and it shall be lawful for the Tenant of every such House or Building, and he is hereby required (in case of Neglect or Refusal of the Owner or Proprietor thereof) to alter any such Spout or Gutter, and cause the Water to be brought down in Manner hereinbefore directed; and in such case such Tenant shall and may, and is hereby authorized and empowered to retain and deduct such Expences out of the next or any subsequent Rent due to his or her Landlord, who is hereby directed and required to allow the same; and in case any Dispute shall arise between any such Landlord and Tenant, relative to the removing any such Spout or Gutter, and bringing down the Water in Manner aforesaid, or the Expences attending the same, such Dispute shall be settled by the said Commissioners; and that if any Person shall hereafter erect or cause to be erected any Spout or Gutter, for conveying Water from any House or other Building within the said Hamlets, otherwise than down the Sides or Fronts thereof, in Manner aforesaid, every such Person shall forfeit and pay the Sum of Five Shillings for every Week such Spout or Gutter shall remain.

Posts, &c. to
be removed.

And be it further Enacted, That it shall be lawful for the said Commissioners to cause all Posts, Rails, and Steps which they shall think useless or inconvenient, and all other Incroachments projecting upon the Foot Paths, within any of the said Streets, Lanes, or other public Passages or Places, and all Trees growing in the Line thereof, to be taken down, removed, or altered, in such Manner as they shall think proper; and also all Steps, Window Hatches, and Doors, opening and leading upon or from the said Foot Paths into Vaults, Cellars, Entries, or Under Kitchens, to be removed or altered, so that the same may not be dangerous or incommodious to Passengers; and all Signs, Sign Posts, Sign Irons, and Shew Boards; and all Pent Houses, Sheds, Watering Tubs and Troughs, Pumps, and Stalls, projecting into any of the said Streets, Lanes, or other public Passages or Places, to be taken down and removed;

removed; and all Signs and Shew Boards which shall be so taken down, or such Part or Parts thereof as they shall think fit, to be placed or affixed on the Fronts of the Houses, Shops, or Buildings whereunto they respectively belong, and shall cause to be returned to the respective Owners so much of the said Signs, Sign Posts, Sign Irons, or Shew Boards as shall not be placed or affixed as aforesaid, and the Whole of the Materials of the said Pent Houses, Sheds, Watering Tubs and Troughs, Pumps, and Stalls; and in case any Person shall, at any Time hereafter, erect or set up any Sign, Sign Post or other Post, Sign Iron, Shew Board, Pent House, Shed, Watering Tub or Trough, Pump, Stall, or other Projection, or plant any Tree or Trees within any of the said Streets, Lanes, or other public Passages or Places, or cause the same to be done (other than such Signs or Shew Boards as shall be affixed upon the Front or Wall of his or her House or Building) every such Person shall, for every such Offence, forfeit and pay the Sum of Ten Shillings; and it shall be lawful for the said Commissioners to cause the same to be taken down and removed, or altered in such Manner as they shall think proper, and the Expence thereof shall be reimbursed to the said Commissioners by the Person who shall have caused the same to be erected, and shall be recovered in like Manner as the Rates hereinafter authorized to be collected are directed to be recovered; and that if any Foundation prepared for the Erection of any new Building shall be left open and unfenced or unguarded, or any Cellar Window, Cellar Door, Cellar Window Hatch, or any Door leading to any Vault, Under Entry, or Kitchen, shall be left open after the setting of the Sun in any Evening, or be opened before Day-break in the Morning, without being sufficiently lighted to prevent Accidents happening therefrom, the Occupier of such Foundation, Cellar, Vault, Under Entry, or Kitchen, shall, for every such Offence, forfeit and pay the Sum of Ten Shillings.

Penalty on leaving open Cellar Windows, &c. in the Night Time.

Provided always, That previous to any Sign, Sign Post or other Post, Sign Iron, Shew Board, Pent House, Shed, Rail, Palisade, Bulk, Watering Tub or Trough, Pump, Stall, or other Projection, being taken down, removed, or altered, by Order of the said Commissioners, One Month's Notice under the Hands of any Four or more of the said Commissioners, or under the Hand of their Clerk, shall be given to, or left at the Dwelling House or Place of Abode of the Occupier of the House or other Building to which the same belongs, of the Intention to take down, remove, or alter the same;

Notice to be given previous to Removal of Signs, &c.

D

and

Owners or
Occupiers
may be per-
mitted to re-
move Signs,
&c.

and be al-
lowed the
Expences.

Penalties not
to extend to
Scaffolds,
Rubbish, &c.
occasioned
by building.

Driving of
Carts regu-
lated, and
width of the
Wheels as-
certained.

and in case Application shall be made by the Owner or Occupier of any such House or Building, to the said Commissioners, or any of them, or their Clerk, for Liberty to take down, remove, or alter any such Sign, Sign Post or other Post, Sign Iron, Shew Board, Pent House, Shed, Rail, Palisade, Bulk, Watering Tub or Trough, Pump, or Stall, or other Projection as aforesaid, which the said Commissioners shall order or direct to be taken down, removed, or altered, such Owner or Occupier shall be permitted and allowed to take down, remove, or alter the same, and shall be allowed such Sum of Money toward the Expences thereof as the said Commissioners shall think reasonable; so that such Application be made previous to the Expiration of such Notice, and so that every such Removal or Alteration be made or done agreeable to the Orders and Directions of the said Commissioners.

Provided also, That no Person shall be subject to any Penalty by virtue of this Act, on Account of any Scaffold or other Erection, or any Bricks, Lime, Sand, or other Materials, or any Rubbish or Dirt, erected, placed, or lying in any of the said Streets, Lanes, or other Passages or Places, before or against any House or other Building, for the Purpose of or occasioned by the building, pulling down, repairing, or ornamenting any such House or other Building; so as there be convenient Room left for Carriages to pass and repass, and a sufficient Way kept clear for Foot Passengers, by the Person erecting, laying, or occasioning the same; and so as the Owner or Occupier of such House or Building shall cause the same to be removed out of such Street, Lane, or other Passage or Place, at his own Costs and Charges, within a reasonable Time after such building, pulling down, repairing, or ornamenting, shall be completed; and so as while the same shall continue or be in such Street, Lane, or other Passage or Place, such Owner or Occupier shall set up and maintain a sufficient Light upon or near the same, during the Night Time, to prevent any Mischief happening therefrom to any Passenger, Cattle, or Carriage.

And be it further Enacted, That the Person or Persons driving or having the Care of any Cart, Water Cart, Sledge, or Dray, drawn by One or more Horse or Horses, within any of the said Streets, Lanes, or other public Passages or Places, shall walk on Foot by the Side of the Thill or Shaft Horse, and guide such Horse by holding in his Hand a Cord, Rein, Thong, or Halter, not exceeding One Yard and a Half in Length, fastened to the Head of such Shaft or Thill Horse, on Pain of forfeiting for every Offence

or Omission the Sum of Five Shillings; and that the Wheels of every Cart (except light covered Carts) used for carrying Goods, Coals, Timber, or Water, within the said Hamlets, whether for Hire or not, shall be made with Fellies Six Inches broad at the least, and of a flat even Surface in every Part of such Fellies; and the Owner or Driver of every such Cart, the Fellies whereof shall be of less Breadth than Six Inches, shall, for every Day on which the same shall be made use of within the said Hamlets, forfeit and pay the Sum of Ten Shillings.

And be it further Enacted, That the said Commissioners shall cause the Houses within the said Hamlets to be numbered, in such Manner as they shall think proper; and shall also cause to be painted or otherwise described, on a conspicuous Part of some House or other Building, at or near the End or Corner of each Street, Lane, or other public Passage or Place, the Name of such Street, Lane, Passage, or Place; and every Person who shall wilfully destroy, injure, cover, obliterate, or deface any such Number, Name, or Description, or any Part thereof, or cause or procure the same to be done, shall, for every such Offence, forfeit and pay the Sum of Ten Shillings.

Commissioners may number the Houses, and affix the Names of the Streets.

And be it further Enacted, That in case the said Commissioners shall deem any Foot Path or Causeway, already or hereafter to be laid out or made within any of the said Streets, Lanes, or other public Passages or Places, unsafe, inconvenient, or incommodious, by being made, laid, or paved in an uneven or irregular Manner, or of an insufficient Width, and shall cause Notice under their Hands to be delivered to or left at the Dwelling Houses of the respective Owners or Occupiers of the Houses, Buildings, or Land forming the Street, Lane, or other public Passage or Place, or such Part thereof within which such Foot Path or Causeway shall lie or be, to take up, alter, reduce, lay, or pave upon such a Level, and in such Manner as in such Notice shall be expressed, such Part of the said Foot Path or Causeway as shall lie or be before the Fronts of their respective Houses, Buildings, or Land, for the Width of Three Yards from such respective Fronts toward the Middle of such Street, Lane, or other Passage or Place, where such Street, Lane, or other Passage or Place, shall be of the Width of Sixteen Yards or upwards, and where the same shall be of less Width than Sixteen Yards, then for such Width or Distance from the Fronts of such respective Houses, Buildings, or Land, toward the Middle of such Street, Lane, or other Passage or Place,

Foot Paths, &c. to be levelled.

as

as the said Commissioners shall think proper, not exceeding Six Feet from such respective Fronts; then, and in every such Case, such Alteration, Reduction, Levelling, Laying, or Paving, shall be done and made by and at the Costs and Charges of such respective Owners, according to such Notice; and in case any such Owners shall refuse or wilfully neglect to alter, level, reduce, lay or pave the same in Manner aforesaid, for the Space of One Month next after the serving of such Notice, then it shall be lawful for the said Commissioners to cause such Foot Path or Causeway to be altered, levelled, reduced, laid and paved, in such Manner and with such Materials as they shall think proper, and the Charges and Expences attending the same shall be paid and discharged by such Owners respectively refusing or neglecting as aforesaid, and shall be recovered in like Manner as any Penalties are by this Act authorized or directed to be recovered.

Rates to be
made by As-
sessors ap-
pointed by
the Commis-
sioners.

And, for raising Money to defray the Expences of carrying the Purposes of this Act into Execution, **Be it further Enacted**, That the said Commissioners shall, and are hereby required, Yearly and every Year, by Writing under their Hands and Seals, to nominate and appoint Four or more of the Inhabitants or Residents of the said Hamlets of *Deretend* and *Bordesley* to be Assessors of the Rates and Assessments hereinafter mentioned, within the said Hamlets; and the said Commissioners shall, and are hereby authorized and required, Once in every Year, or oftener if they see Occasion, to fix and ascertain, and, as soon as may be afterwards, to issue their Order, under their Hands, to the said Assessors, expressing how much in the Pound of the Annual Value of the several Houses, Buildings, Lands, and Hereditaments, within the said Hamlets, shall be raised, by a Rate or Assessment, in Manner, and in the Proportions hereinafter mentioned, and thereby to direct the said Assessors to rate or assess, and they are hereby respectively authorized and required to rate or assess accordingly, the Occupiers (which Occupiers, whether Tenants or otherwise, shall be and are hereby made liable to pay the Whole of every such Rate or Assessment) of all Houses, Meetinghouses, Stables, Brewhouses, Coachhouses, Shops, Cellars, Vaults, Warehouses, Manufactories, Malthouses, Granaries, Barns, and other Buildings, and of all Yards, Gardens, and Orchards, situated and being within the said Hamlets, according to the true Annual Value of, or actual Rent paid for, the same respectively (such Annual Value to be ascertained by the said respective Assessors); (that is to say) All and every Person and Persons who shall rent or occupy, within the said Hamlets, any House, Meetinghouse, Stable, Brew-
house,

house, Coachhouse, Shop, Cellar, Vault, Warehouse, Manu-
 factory, Malthouse, Granary, Barn, and other Buildings, Yards,
 Gardens, and Orchards, of the Yearly Value of One Pound, and
 less than Six Pounds, shall be rated and assessed at any Sum not
 exceeding Six Pence in the Pound in any One Year; and all and
 every Person and Persons who shall rent or occupy, within the said
 Hamlets, any such House or other Building, Yard, Garden, or
 Orchard, as before mentioned, of the Yearly Value of Six Pounds,
 and less than Ten Pounds, shall be rated and assessed at any Sum
 not exceeding Nine Pence in the Pound in any One Year; and all
 and every Person and Persons who shall rent or occupy, within the
 said Hamlets, any such House or other Building, Yard, Garden, or
 Orchard, as before mentioned, of the Yearly Value of Ten Pounds,
 and less than Fifteen Pounds, shall be rated and assessed at any
 Sum not exceeding One Shilling in the Pound in any One Year;
 and all and every Person and Persons who shall rent or occupy,
 within the said Hamlets, any such House or other Building, Yard,
 Garden, or Orchard, as before mentioned, of the Yearly Value of
 Fifteen Pounds, and less than Twenty Pounds, shall be rated and
 assessed at any Sum not exceeding One Shilling and Three Pence
 in the Pound in any One Year; and all and every Person and Per-
 sons who shall rent or occupy, within the said Hamlets, any such
 House or other Building, Yard, Garden, or Orchard, as before
 mentioned, of the Yearly Value of Twenty Pounds or upwards,
 shall be rated and assessed at any Sum not exceeding One Shilling
 and Six Pence in the Pound in any One Year; and where any
 of such Houses or other Buildings, Yards, Gardens, or Orchards
 before mentioned, shall be held by different Occupiers, then the
 said Assessors shall, and are hereby required, to divide and ap-
 portion the Share or Part of every such Rate or Assessment as
 aforesaid, according to the Value of the particular Part thereof so
 held by every such Occupier, in Proportion to the whole Yearly
 Value, and shall also apportion the Rate or Assessment to be paid
 in respect or on Account of or for any Meetinghouse, or other
 public Place, which shall be paid by the Feoffees, Trustees, or
 other Persons having the Management thereof respectively.

Rates to be
 apportioned
 where differ-
 ent Tenants.

And be it further Enacted, That the said respective Assessors
 shall, whenever thereunto required by Writing under the Hands of
 any Four or more of the said Commissioners, deliver to them, at such
 Time and Place as shall in such Order be mentioned, Two Copies
 of every such Rate or Assessment, fairly written, and subscribed by
 such Assessors respectively, and shall verify the same upon Oath, if
 thereunto

Rates to be
 examined
 and confirm-
 ed by Com-
 missioners.

thereunto required by the said Commissioners, which Oath the said Commissioners are hereby empowered to administer; and the said Assessors shall, upon reasonable Notice from Time to Time to be to them given, under the Hands of any Four or more of the said Commissioners, or under the Hand of their Clerk, attend any of their Meetings, and at any Court of Quarter Sessions to be held for the County of *Warwick*, or otherwise, to explain, amend, or justify their said Rates or Assessments; and that all Rates or Assessments which shall be made by the said Assessors, in pursuance of this Act, shall be examined, allowed, and signed by the said Commissioners; and the said Commissioners shall and may, whenever they shall see Cause, amend any such Rate or Assessment, by inserting therein the Name of any Person who ought to have been rated or assessed, and shall appear to have been omitted, or otherwise; and after the said Rates or Assessments are so signed as aforesaid, the said Commissioners shall and may, and they are hereby authorized and required to cause the several Sums therein rated or assessed to be collected and received, as soon as may be, of and from the Persons respectively subject or liable to the Payment thereof, or on whom the same shall be respectively rated or assessed; and shall and may, and are hereby required, from Time to Time, as soon as may be after any such Rates or Assessments are made and signed as aforesaid, to issue an Order under their Hands to the Collectors to be appointed as aforesaid, thereby directing them to collect and receive, within Fourteen Days from the Date thereof, the respective Rates, Assessments, or Sums of Money expressed or contained in such respective Rates or Assessments as aforesaid, Duplicates of which Assessments, under the Hands of the said Commissioners, shall be delivered together with the said Order to the said Collectors; and the said Assessors shall obey and execute every such Order or Direction of the said Commissioners which shall be given to them as aforesaid; and the said Commissioners shall and may from Time to Time, as they see Occasion, remove any such Assessor, and appoint any such Inhabitant or Resident as aforesaid in his Stead.

Assessors to
obey Orders
of Commis-
sioners.

Exemptions
from Rates.

Provided always, and be it further Enacted, That no Person shall be rated, or subject to the Payment of any Rate or Assessment which shall be made by virtue of this Act, for or upon Account of any Garden or Orchard, during the Time the same shall be used or occupied for the Purpose only of raising Fruit or other Produce thereof for Sale, or for or upon Account of any Arable, Meadow, or Pasture Land, or for or upon Account of any Houses or other Buildings, Yards, Gardens, or Orchards, during the Time the

the same shall be empty or unoccupied; any Thing hereinbefore contained to the contrary notwithstanding.

Provided also, That in all Cases where any Person shall remove from or quit any House, Garden, or other Hereditament rated by virtue of this Act, such Person shall be liable to pay such Rate or Assessment in proportion to the Time he or she occupied the same; and in all Cases where any Person who shall come into or occupy any House, Garden, or other Hereditament rated as aforesaid, out of or from which any other Person, who shall have been rated or assessed for the same, shall be removed, or which at the Time of making any such Rate or Assessment was empty or unoccupied, the Person coming into or occupying the same shall be liable to pay such Rate in proportion to the Time that such Person occupied the same; which said respective Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners.

Rates to be apportioned between Occupiers quitting and coming into Houses, &c.

Provided also, That it shall be lawful for the said Commissioners, and they are hereby empowered, if they think proper, upon the Complaint of any Person subject to the Payment of any Rate or Assessment to be made as aforesaid, whose Rent shall not exceed Eight Pounds a Year, to mitigate, reduce, or lessen the same as they shall think just and reasonable, or wholly remit or excuse the Payment thereof, for or on Account of the Poverty or Inability of any Person to pay the same.

Power to mitigate Rates in certain Cases.

Provided always, and be it further Enacted, That until the Principal Money which shall be borrowed, and the Annuities which shall be granted as hereinafter mentioned, shall be paid off and discharged, or expired, no such Rate or Assessment as aforesaid shall be made for any less than Two Third Parts of the respective Assessments to be made by virtue of this Act, unless the Person or Persons who shall be entitled to the major Part of such Principal Money and Annuities which shall for the Time being be due and payable, shall, by Writing under their Hands, consent thereto.

Rates not to be less than certain Sums, without Creditors Consent.

And be it further Enacted, That in case any Person so rated or assessed as aforesaid shall refuse or neglect to pay any such Rate or Assessment to any Collector thereof, within Three Days next after personal Demand thereof, or Demand in Writing left at the then or last Place of Abode of such Person, within the said

Recovery of Rates.

said Hamlets, it shall be lawful for any Justice of the Peace for the County of *Warwick*, upon Proof made upon Oath of any such Demand and Non-payment (which Oath such Justice is hereby empowered and required to administer without Fee or Reward) by Warrant under his Hand and Seal to authorize and direct any such Collector to levy such Rate or Assessment so in Arrear and refused or neglected to be paid as aforesaid, together with the Costs attending the same (to be ascertained by such Justice) by Distress and Sale of the Goods and Chattels of the Person so refusing or neglecting to pay, wherever such Goods and Chattels can be found, rendering the Overplus (if any) upon Demand, to the Person whose Goods and Chattels shall be so distrained and sold.

Commission-
ers may raise
Money by
Loan ;

And, for the more speedy raising Money for the Purposes of this Act, Be it further Enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered from Time to Time to borrow and take up at Interest any Sum or Sums of Money upon the Credit of the Rates or Assessments hereinbefore granted, or any Part thereof, and, by Writing under the Hands and Seals of any Four or more of them, to mortgage or assign over the said Rates or Assessments, or any Part thereof, to the Person or Persons who shall advance or lend such Money, or his or their Trustee or Trustees, as a Security for the Money so to be borrowed, together with Interest for the same ; and every such Mortgage or Assignment shall be to the Effect following :

“ By virtue of an Act of Parliament made in the Thirty-first
 “ Year of the Reign of King *George* the Third, intituled [*Set*
 “ *forth the Title of the Act*] We whose Names are hereunto
 “ subscribed, and Seals affixed, being Commissioners for car-
 “ rying the said Act into Execution, in Consideration of the
 “ Sum of _____ advanced and lent by *A. B.* to
 “ *C. D.* the Treasurer appointed in pursuance of the said
 “ Act, upon the Credit and for the Purposes of the said
 “ Act, do grant and assign unto the said *A. B.* his Execu-
 “ tors, Administrators, and Assigns, such Proportion of
 “ the Rates or Assessments to be made or arise by virtue of
 “ the said Act, as the said Sum of _____
 “ doth or shall bear to the whole Sum which is or shall
 “ be borrowed upon the Credit of the said Act, to be had,
 “ held, and received from this _____ Day of _____
 “ until the said Sum of _____ with Interest at
 “ *per Centum per Annum* for the same, shall be repaid and
 “ satisfied.

“ satisfied. In Witness whereof we have hereunto set our
“ Hands and Seals, this Day of

And every such Mortgage or Assignment shall be good, valid, and
effectual in the Law.

Provided always, That in case the said Commissioners shall
think it adviseable to raise all or any Part of the Money necessary
for the Purposes of this Act by granting Annuities for Lives, then
it shall be lawful for the said Commissioners, and they are hereby
authorized and empowered, by Writing under the Hands and Seals
of any Four or more of them, to grant Annuities to any Person or
Persons who shall contribute, advance, and pay into the Hands of
the Treasurer to the said Commissioners any Sum or Sums of Money
for the absolute Purchase of any Annuity, to be paid and payable
during the natural Life of such Contributor, or of any other Person
who shall be nominated by or on Behalf of such Contributor at the
Time of the Payment of his or her Contribution Money, and either
with or without Benefit of Survivorship, as the said Commissioners
shall think proper; so that any such Annuity do not exceed the
Rate of Twelve Pounds and Ten Shillings for One Hundred
Pounds for a Year, and so that the whole Money to be raised
upon Mortgage, and by granting of Annuities as aforesaid, do
not exceed at any one Time the Sum of One Thousand Pounds:
And the Grant of every such Annuity shall be to the Effect fol-
lowing:

or by grant-
ing Annui-
ties.

Money bor-
rowed or
raised not
to exceed
One Thou-
sand Pounds.

“ We whose Names are hereunto subscribed, and Seals affixed,
“ being Commissioners appointed by or in pursuance of an
“ Act of Parliament made in the Thirty-first Year of the
“ Reign of King George the Third, intituled [*Set forth the*
“ *Title of the Act*] in Consideration of the Sum of
“ paid by *A. B.* to *C. D.* the Treasurer
“ appointed in pursuance of the said Act, do hereby grant
“ unto the said *A. B.* his Executors, Administrators, and
“ Assigns, One Annuity or Yearly Sum of
“ out of the Rates or Assessments granted or arising by
“ virtue of the said Act; which Annuity or Yearly Sum
“ shall be paid to the said *A. B.* his Executors, Admini-
“ strators, or Assigns, upon the Day of
“ in every Year, during the First
“ Payment thereof to be made upon the Day of
“ next ensuing the Date hereof. In Witness
F “ whereof

Form of
Grant of
Annuity.

“ whereof we have hereunto set our Hands and Seals, the
“ Day of

And every such Grant shall be good, valid, and effectual in the Law: And every Annuity so to be granted as aforesaid shall be, and is hereby charged upon, and shall be paid and payable (free from any Tax laid upon Land by Authority of Parliament) out of the said Rates or Assessments; and every such Annuity, and also the Interest arising on every Mortgage or Assignment to be made as aforesaid, shall be paid and payable, by the Treasurer to the said Commissioners, at the Times specified in such Securities, and at such Place within the said Hamlets as the said Commissioners shall appoint and direct.

Notice to be
given of bor-
rowing
Money.

Provided nevertheless, That before any Money shall be borrowed or Annuities shall be granted as aforesaid, Fourteen Days Notice at the least shall be given, in such News-paper or News-papers published or circulated in the Town of *Birmingham* in the said County, as the said Commissioners shall think fit, signifying their Intention of borrowing Money or granting such Annuities.

Securities
transferrable
by a Form
prescribed.

And be it further Enacted, That it shall be lawful for the Persons who shall be entitled to any of the Securities for the Money borrowed, and for the Annuities granted as aforesaid, at any Time, by Writing under their Hands and Seals, to transfer such Securities to any Person or Persons; which Transfer may be to the Effect following:

“ I *A. B.* being entitled to the Sum of
“ [*or, an Annuity of*] secured to *C. D.*
“ his Executors, Administrators, and Assigns, by virtue
“ of a Mortgage or Assignment [*or, Grant of Annuity*]
“ bearing Date the Day of under
“ the Hands and Seals of of the Commissioners
“ for carrying into Execution an Act of Parliament, made
“ in the Thirty-first Year of the Reign of King George
“ the Third, intituled [*Set forth the Title of the Act*]
“ upon the Credit of or arising from the Rates or Assess-
“ ments granted by the said Act, do hereby transfer all my
“ Right and Title in and to the same, and all Interest
“ or other Money now due thereon, unto *E. F.* his Exe-
“ cutors, Administrators, and Assigns, as witness my
“ Hand and Seal, this Day of

And

And Copies of all Mortgages or Assignments, and Grants of Annuities, which shall be made in pursuance of this Act, and Extracts or Memorials of all such Transfers, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners; which Extracts or Memorials shall specify and contain the Dates, Names of the Parties, and the Sums of Money thereby transferred; to which Book any Person interested shall at all seasonable Times have Access, and free Liberty to inspect the same, without Fee or Reward; and for the Entry of every such Transfer the said Clerk shall be paid, by the Person or Persons to whom such Transfer shall be made, the Sum of One Shilling, and no more; and after such Entry made of any such Transfer, the same shall entitle the Person or Persons to whom such Transfer shall be made, and his, her, or their Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred.

And be it further Enacted, That the said Commissioners shall cause to be made fair and regular Entries, in a Book to be kept for that Purpose, of all Acts, Orders, and Proceedings of the said Commissioners, or any of them, at their respective Meetings, relative to the Execution of this Act; and the said Commissioners shall always subscribe their Names at the End of their Proceedings, at every of their Meetings, or at the next succeeding Meeting; and all such Entries, being signed as aforesaid, shall be deemed Original Entries, and shall be allowed to be read as Evidence in all Courts whatever; and every such Book shall, at any of the Meetings of the said Commissioners, and at all other seasonable Times, be open to the Inspection of the Creditors and Annuitants under this Act, without Fee or Reward.

Proceedings to be entered, and be free for Creditors Inspection.

And be it further Enacted, That out of the Money to be raised by virtue of this Act, the said Commissioners shall, in the First Place, defray all Charges and Expences incident to and attending the obtaining and passing of this Act; and after Payment thereof, all the Money to arise by or from the Rates hereby granted, and which shall be borrowed at Interest, and raised by granting Annuities as aforesaid, and all other Money which shall come to the Hands, Custody, or Power of the said Commissioners, or of their Treasurer, by virtue of this Act, shall be applied and disposed of in defraying the Charges and Expences of cleansing, lighting, and watching the Streets, Lanes, and other public Passages and Places, in the said Hamlets, and all other Expences attending or incident to the carrying this Act into Execution, and in paying the Interest of the Principal Money to be borrowed, and the Annuities to be granted

Application of Money arising by Rates.

granted as aforesaid, and afterwards in paying off such Principal Money.

Hamlets united for the Purposes of the Act, and the Limits ascertained.

And be it further Enacted, That the said Hamlets of *Deretend* and *Bordesley* shall, for the several Purposes of this Act, be deemed and taken to be one Hamlet or Place, without any Distinction or Separation; and that the Boundaries and Limits of the said Hamlets, for the Purposes aforesaid, shall extend to, be determined and bounded by, the Extent and Limits of the Lamps so to be affixed and put up in the said Hamlets by virtue of this Act.

Accounts to be made up Annually.

And be it further Enacted, That, some Time between the Twenty-fourth Day of *April*, and Twenty-fourth Day of *June*, in every Year, the said Commissioners shall cause a fair and just Account to be made out of all Money received and paid by them, or any of them, or by their Order or Direction, by virtue or in pursuance of this Act, and how, and to or from whom, and for what Purposes, the same shall have been received, and paid or expended; and a Copy or Duplicate of such Account shall be deposited with the Clerk to the said Commissioners; who shall permit any Person so rated as aforesaid, or any other Person on his or her Behalf, to inspect the same at any seasonable Times, paying One Shilling for every such Inspection, and shall upon Demand forthwith give Copies of the same, or any Part thereof, to any such Person, he or she paying after the Rate of Three Pence for every One Hundred Words, and so in Proportion for any less Number of Words.

Actions may be brought in the Name of Treasurer or Clerk.

And be it further Enacted, That when any Action or Suit shall be brought by Order of the said Commissioners, or any of them, by virtue or in pursuance of this Act, the same may be brought in the Name of their Treasurer or Clerk, on Behalf of the said Commissioners; and that such Action or Suit shall not abate or be discontinued by the Death or Removal of the Person in whose Name the same shall be brought; but such Treasurer or Clerk shall not be subject to the Payment of any Part of the Costs or Expences on Account thereof; but all Costs and Expences to be incurred by or on Behalf of the said Commissioners, or any Person or Persons employed by them in prosecuting or defending any Action, Suit, or Prosecution, or in answering any Appeal, or otherwise touching or concerning the Execution of this Act, shall be defrayed out of the Money arising by virtue of this Act.

And

And be it further Enacted, That all Penalties and Forfeitures by virtue of this Act imposed, shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace for the County of *Warwick*; which Warrant such Justice is hereby authorized and required to grant, upon the Confession of the Party, or the Evidence of any credible Witness upon Oath; and the Overplus (if any) of the Money arising from such Distress and Sale, shall be returned, upon Demand, to the Owner of such Goods and Chattels, after deducting such Penalty or Forfeiture, and the Costs and Charges of such Distress and Sale; which Penalties and Forfeitures when recovered (if not hereinbefore directed to be otherwise applied) shall be paid to the Treasurer to the said Commissioners, and be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties or Forfeitures shall not be paid forthwith, it shall be lawful for such Justice, and he is hereby empowered and required, by Warrant under his Hand and Seal, to cause the Offender to be committed to any Common Gaol or House of Correction in the said County, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, nor less than Fourteen Days, unless such Penalties or Forfeitures, and all reasonable Charges attending the same, shall be sooner fully paid and satisfied.

Recovery of Penalties.

And be it further Enacted, That it shall be lawful for the said Commissioners from Time to Time to compound with any Person against whom any Action or Suit shall be brought, commenced, or prosecuted, for any Penalty contained in any Contract to be entered into as aforesaid, for such Sum of Money as the said Commissioners shall think proper, so as the Sum so compounded for be not less than the Injury or Damage sustained by Breach or Non-performance of any such Contract, and all the Costs and Expences which shall be occasioned thereby.

Commissioners may compound for Penalties for Non-performance of Contracts.

And be it further Enacted, That every Justice of the Peace, before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn in the following Form, or to the like Effect; (that is to say)

County of } <i>Warwick</i> , }	“ Be it remembered, That on the	Day	Form of
	“ of in the	Year of the	Conviction.
	“ Reign of	<i>A. B.</i> is	
	“ convicted before me, One of His Majesty's Jus-	“ tices	
	G		

“ tices of the Peace for the said County, by virtue
 “ of an Act of Parliament, made in the Thirty-
 “ first Year of the Reign of King George the
 “ Third, intituled [*Set forth the Title of the Act,*
 “ *and specify the Offence, and the Time and Place*
 “ *when and where the same was committed, as the*
 “ *Case shall be.*] Given under my Hand and Seal,
 “ the Day and Year abovesaid.”

Appeal.

Provided also, and be it further Enacted, That in case any Person shall think himself or herself aggrieved by any Rate, Assessment, Order, Determination, Matter, or Thing, to be made or done by virtue of this Act, such Person may, within Fourteen Days next after Demand made of such Rate or Assessment, or the Date of such Order or Determination, appeal to the Justices of the Peace, at any General or Quarter Sessions to be held for the County of *Warwick*, or at any Adjournment thereof, the Appellant first giving Fourteen Days Notice, specifying the Cause of Appeal, to one of the Collectors of the said Rates or Assessments, or the Treasurer or Clerk to the said Commissioners, and also entering into a Recognizance before some Justice of the Peace for the said County, with two sufficient Sureties, to try such Appeal, and to abide by the Order and Determination of, and pay such Costs as shall be awarded by, such Justices at such Session; and the said Justices, upon due Proof of the Appellant having given such Notice, and entered into such Recognizance as aforesaid, shall hear and determine such Appeal in a summary Way, and award such Costs to the Party appealing, or to the said Commissioners, as they shall think proper, and the Determination of the said Justices therein shall be final, conclusive, and binding; and it shall be lawful for the said Justices, on hearing such Appeal, to correct, alter, and amend any Part of such Rate or Assessment that shall appear to them, either from Error or otherwise, to require to be altered and amended, for relieving the Party appealing as aforesaid, and to cause such Money to be returned to such Appellant as shall appear to them to have been overpaid, and to cause to be added to such Rate or Assessment the Name of any Person omitted to be inserted in such Rate or Assessment, and the Description of the Property for which he ought to be rated (Fourteen Days Notice being previously given by the Appellant to each Person whose Name is intended to be inserted in the said Rate or Assessment, that he may shew Cause to the contrary if he shall think fit) and to make such other Order therein as to them shall seem

seem meet, but not to quash, vacate, or set aside the Whole of such Rate or Assessment.

And be it further Enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Person making the same be deemed a Trespasser, on Account of any Defect or want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relative thereto; nor shall the Party be deemed a Trespasser who shall so distrain, or give Instructions for such distraining, on Account of any Irregularity which shall afterwards be done by the Party distraining; but the Person aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not unlawful for Want of Form.

Provided always, That the Plaintiff shall not recover, in any Action for such Irregularity, or for any Trespass or other wrongful Proceeding, unless Notice in Writing shall be given, Fourteen Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff, specifying the Cause of such Action; nor shall the Plaintiff recover in any such Action if Tender of sufficient Amends shall be made to him or his Attorney, by or on the Behalf of the Defendant in any such Action, before such Action brought; and if there shall not be any such Tender made, it shall be lawful for such Defendant, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Orders, and Judgments shall be had, made, and given, in and by such Court, as in other Cases where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover unless Notice given, nor after Tender of Amends.

And be it further Enacted, That no Order, Verdict, Assessment, Judgment, or other Proceeding, touching or concerning any of the Matters aforesaid, or the Conviction of any Offender against this Act, shall be quashed or vacated for want of Form only, or be removed or removeable by *Certiorari*, or any other Writ or Process, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form.

And be it further Enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings relating to or concerning the Execution of this Act, any Inhabitant within the said Hamlets,

Inhabitants may be Witnesses.

H

or

or either of them, shall be admitted and allowed to give Evidence, notwithstanding such Inhabitant be charged with or liable to pay any Rate by virtue of this Act.

Justices may
mitigate Pe-
nalties.

Provided always, and be it further Enacted, That it shall be lawful for the Justice of the Peace, before whom any Offender shall be convicted of any Offence against this Act, to mitigate or lessen any of the Fines, Penalties, or Forfeitures by this Act imposed, if he shall think fit (so that such Mitigation do not reduce such Fine, Penalty, or Forfeit to less than the Damage or Loss done or caused by such Offender) and every such Mitigation shall be a sufficient Discharge to the Party offending, for so much thereof as shall be so mitigated or lessened.

Limitation
of Actions.

And be it further Enacted, That no Action or Suit shall be commenced or prosecuted against any Person, for any Thing done in pursuance of this Act, until after Fourteen Days Notice shall be given in Writing, by the Party thinking himself aggrieved, to the Clerk to the said Commissioners, nor after a sufficient Satisfaction, or Tender thereof, hath been made to the Party by whom such Action or Suit shall be brought, nor after Six Calendar Months next after the Fact committed; and every such Action shall be laid in the County of *Warwick*, and not elsewhere; and the Defendant in every such Action or Suit shall and may plead, at his Election, specially, or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereon, and that the same was done in pursuance or by Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Fourteen Days Notice thereof given as aforesaid, or after sufficient Satisfaction, or Tender thereof, shall be made as aforesaid, or shall be laid in any other County or Place than as aforesaid, then and in either of such Cases the Jury shall find a Verdict for the Defendant; and if a Verdict shall be found for the Defendant, or if the Plaintiff shall be nonsuited, or discontinue such Action after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff, then the Defendant shall recover Treble Costs, and have such Remedy for the same as the Defendant hath for any Costs of Suit in other Cases by Law.

Public Act.

And be it further Enacted, That this Act shall be deemed, adjudged, and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons, without specially pleading the same.

A N

A C T

F O R

Cleaning, Lighting, and Watching, and
Levelling the Surfaces of the Streets, and
other public Places, within the Hamlets of
Dartford and *Bordley*, in the County of
Warwick; and for removing and prevent-
ing Nuisances, Obstructions, and In-
croachments, and regulating the driving
of Carts and other Carriages, used for car-
rying Goods, Wares, and Merchandises
therein,

31 Geo. III.
1791.

